

# HOUSE BILL 1279

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11r2860

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By: **Delegates Carter, Alston, Anderson, and Rosenberg**

Introduced and read first time: February 24, 2011

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Retention of Right to Expungement – Charges Not**  
3 **Resulting in Conviction**

4 FOR the purpose of establishing that whether a person is entitled to expungement of  
5 one charge arising from an incident, transaction, or set of facts does not affect  
6 the person's right to expungement of another charge or conviction arising from  
7 the same incident, transaction, or set of facts; making certain conforming  
8 changes; making a certain technical correction; and generally relating to the  
9 expungement of criminal charges.

10 BY repealing and reenacting, with amendments,  
11 Article – Criminal Procedure  
12 Section 10–107  
13 Annotated Code of Maryland  
14 (2008 Replacement Volume and 2010 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Criminal Procedure**

18 10–107.

19 (a) [(1)] In this subtitle, if two or more charges **OR CONVICTIONS**, other  
20 than one for a minor traffic violation, arise from the same incident, transaction, or set  
21 of facts, they are considered to be a unit.

22 [(2)] A charge for a minor traffic violation that arises from the same  
23 incident, transaction, or set of facts as a charge in the unit is not a part of the unit.]

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (b)   (1)   **[If] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
2 **SUBSECTION, IF** a person is not entitled to expungement of one **[charge or]** conviction  
3 in a unit, the person is not entitled to expungement of any other **[charge or]** conviction  
4 in the unit.

5           (2)   **[The disposition of a charge] A CONVICTION** for a minor traffic  
6 violation **[that arises from the same incident, transaction, or set of facts as a charge in**  
7 **the unit]** does not affect any right to expungement of **[a] ANOTHER** charge or  
8 conviction in the unit.

9           **(C) WHETHER A PERSON IS ENTITLED TO EXPUNGEMENT OF ONE**  
10 **CHARGE IN A UNIT DOES NOT AFFECT ANY RIGHT TO EXPUNGEMENT OF ANY**  
11 **OTHER CHARGE OR CONVICTION IN THE UNIT.**

12           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 2011.